Special 8-Page Issue: Eastland on the Witness Stand

"Q. You Can't Remember One Fact, Can You, Senator? A. No, Sir, I Certainly Can't." See Pages 2 to 7.

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Using McCarthy's Tactics to Stir Up War on Cuba

Not since McCarthy's heyday has the Capitol seen so unscupulous an affair as the resurgent uproar over Cuba. There is the same flourish of deceptively precise numbers; the charges make the front pages while the answers are relegated to the inside; the very effort seriously to reply is seized on as evidence that something must be amiss. If the McCarthyites couldn't find a card-carrying Communist in the State Department, they could always fall back on an ADA-er; if Nelson Rockefeller and Keating can't find long range nuclear missiles, they can come up with four combat battalions. As a last resort they can always insist that the Administration prove a negative, and prove it absolutely. "Can you then say," a reporter asked Defense Secretary McNamara toward the close of his extraordinarily impressive two-hour intelligence briefing, "that you are personally convinced that there is absolutely not one single offensive system in Cuba, of any kind, any place, anywhere?" The Secretary could only say he was satisfied beyond reasonable doubt that there were no offensive weapons systems in Cuba. Nobody can be *absolutely* sure of anything. Try proving absolutely that John F. Kennedy didn't die in the Bay of Pigs invasion and that the present occupant of the White House was not dropped into his place by enemy agents working through a network of interior decorators. There has never been a politics like ours for fostering epidemics of paranoia.

JFK Just As Bad In 1960

There is an evil wind blowing here in Washington, and the efforts of the President and of Defense Secretary McNamara in two press conferences to fight off the vultures wheeling over Cuba command respect and sympathy. But in all objectivity the unscrupulous demagogy of the Republicans on the Cuban issue is no different from Kennedy's in the 1960 campaign. He himself is only reaping what he helped to sow by his own performance at the Orange Bowl in Miami not so many weeks ago.

The U.S. is losing all sense of proportion. In the uproar over a Soviet military mission on the island of Cuba, no one recalls that the number of our own military missions in foreign countries has grown from 14 in 1950 to 69 in 1963, and that 48 percent of our military mission expenditures this year are in the Far East on the borders of China—as far from home as are the Russians in Cuba. The latest issue of an Investment Review published by Reynolds & Co., 120 Broadway, N.Y., discusses the part played by Westinghouse Electric in developing our new nuclear powered Navy. "The nuclear powered aircraft carriers, escorted and screened by nuclear-powered missile cruisers and nuclear-powered attack submarines, comprise a revolutionary atomic task force of tremendous range and striking power," this investment study relates and then goes on to say, *"A portion of this force was thrown around the island of Cuba during the recent crisis and its devastating potential was one of the major contributions to the successful removal of alien offensive weapons from the Western Hemisphere."* Yet in a country which can marshal such cataclysmic firepower, enough to blow the whole island of Cuba to a radioactive Kingdom Come, a reporter asks the President whether Cuban torpedo boats armed with 18-mile range defensive missiles could not be "used in an attack on the United States!"

One of the questions put to Mr. McNamara was whether some of the information going to critics on Capitol Hill might not be coming from within the Defense Department. He replied that he had no reason to think it came from any department of the government. But when one looks at the makeup of the U.S. Intelligence Board one wonders. No less than ten sleuthing agencies are represented on this board: CIA, DIA (Defense Intelligence Agency), State, Army, Navy, Air Force, National Security Agency, Joint Chiefs of Staff, AEC and FBI. The art of molding public policy by leaks and by the use of journalistic stooges is well developed among them.

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Gentle Reminder From U Thant

"Q. Mr. Secretary-General, as everyone knows, you played an active role in trying to prevent the confrontation between the U.S. and the Soviet Union in the Cuban crisis. That crisis was not exactly settled inasmuch as on-site inspection was not achieved and no invasion pledge was given as far as the U.S. is concerned. Now there seems to be a report of a new build-up, a Soviet military build-up in Cuba. What do you feel that you might be able to do at this point to try to continue your efforts to ease the situation?

"The Secretary-General: First, of all the UN is not in possession of the full facts regarding the developments in Cuba. Of course, there have been public statements from important quarters regarding the presence of a large number of Soviet technicians on Cuban soil. But these phenomena, if I may say so, are very delicate, and if one says that the presence of Soviet technicians on Cuban soil constitutes a threat to peace in the area, others may say—they are actually saying it—that the presence of the American troops in South Viet-Nam also constitutes a threat to peace in that particular area. Of course, if you go on discussing these phenomena, there will be no end to this debate. What we should do now, in the context of the developments in Cuba or in South Viet-Nam or in Ruritania or anywhere, will be to explore the means of easing tensions and bringing about better understanding between the Powers primarily involved. I think this is the only sensible thing for us to do."

—U Thant's Press Conference at the UN Jan. 29.

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The Senator Who Couldn't Recall Anything But His Name and Address

We print here as a public service the major portion of the interrogation of Senator James O. Eastland January 30 in the retrial of Robert Shelton for contempt of the Senate Internal Security subcommittee of which Eastland is chairman. Joseph L. Rauh, Jr., counsel for Shelton, subjected the Senator to a brilliant and courageous examination. For once this Mississippi McCarthy was given a taste of his own medicine. The difference is that were some helpless witness before him to engage in similar contradictions, evasions and lapses of memory he would be threatened with contempt if not perjury.

The Senator began by denying that he discussed his testimony in advance with Jules Sourwine, his subcommittee counsel, and ended by contradicting himself. Shelton's case grew out of hearings in 1956 at which the Eastland committee tried to smear the *New York Times*. Rauh's effort to determine whether any such investigation had ever been properly authorized elicited a series of evasions. The original hearing backfired. There was a revolt within the Internal Security Committee. Eastland had to get rid of Sourwine; the latter spent several years of exile in Nevada before coming back to his old job. Eastland's inability to recall this affair except in a vague way taxes credibility. Shelton was subpoenaed by mistake but Sourwine claimed that he subpoenaed Shelton as a result of a letter from an informer. He refused, however, to submit it in evidence. Rauh challenged Sourwine's credibility on this. The sensation of this second trial was Sourwine's admission that while this attack on his credibility was before the courts on appeal, he destroyed the document. Eastland was evasive on this, too. Shelton was found guilty again, but we believe will win on appeal.

"Q. You Can't Remember One Fact, Can You, Senator? A. No, Sir, I Certainly Can't"

The Cross-Examination of Senator James O. Eastland

Q Will you please state your name, sir?
A James O. Eastland, Doddsville, Mississippi.
Q And you are Chairman of the Senate Judiciary Committee?
A That's correct, sir.
Q And you are Chairman of the Subcommittee on Internal Security?
A That's correct, sir.
Q Senator Eastland, Exhibit 10 of the Government is the citation of the defendant, Robert Shelton. There is included in it a report from your committee. I would like to ask you if that report was made by you?
A Yes, sir, it says so. I don't remember it, but it says so.
Q You don't deny that that report is yours?
A No, sir, I wouldn't deny it. I judge it solely because my name is on it.
Q Senator Eastland, when did you become aware that we had a subpoena for your appearance here, sir?
A I became aware—Mr. Cheatham told me that there was a forthwith subpoena, and it was the day that I spoke in Senate against the motion that is now pending. I could have known—I don't know.
Q Were you in town on the 15th and 16th of January, Senator Eastland?
A Well, I was in town the day that I was assigned to speak. I have a business in Mississippi and it had been my intention to go and come back on Sunday, but I was assigned a day to speak, and so I did not go.
Q So, you were in town on the 15th and 16th?
A Yes, sir. Oh, I have been here since the day Congress convened.

Falsely Reported Out of Town

Q Do you have any idea how the return on the first subpoena for your appearance came to have the words Senator Eastland is out of town on it?
A No, sir. I talked to Mr. Cheatham. I got a letter from you, sir, in which you made that statement. I talked to Mr. Cheatham about it today and he told me that his report to a Deputy Marshal was that I was unavailable.
Now, if I was called—the Sergeant-In-Arms of the Senate is sick and in Arizona. There are two men who act as Sergeant-At-Arms. Now, I don't remember if the other one ever contacted me. I know Mr. Cheatham did.
Q I show you the subpoena, Senator Eastland, and call your attention to the fact that it says as follows, you can follow me: "Not to be found. Information received from Assistant Sergeant-Of-Arms of Senate Senator Eastland is out of town."
A I don't know which Assistant Sergeant-At-Arms. You have got two there. Mr. Cheatham told me that he informed the Marshal's office that I was unavailable, that I was speaking.
Q You don't know how it got on the subpoena that you were out of town when you weren't?
A No, sir.
Q Have you had a chance before coming here to talk to any members of your staff about this testimony you are about to give?
A Well, yes, I have talked to Mr. Davis and I have talked to Mr. Sourwine.
Q Did you talk —
A But not about the testimony I am about to give because I don't know what—I am your witness. At least I was subpoenaed by you, and I don't know what information you want.
Q What was your discussion with Mr. Sourwine, Senator?
A Well, I don't remember. I can remember these hearings in a general way and I have asked him questions about the hearings and I have asked questions about the rules under which we were operating back in 1956. Then I made the same inquiry about the rules from the Clerk of the Committee, Mr. Joe Davis. Maybe I asked them something else. If I did, I don't remember.
Q Did you discuss Mr. Sourwine's testimony that he gave here with him?
A No, sir.
Q Senator Eastland, at the previous trial the United States Attorney who is here, in answer to a bill of particulars on what was the question under inquiry before your committee at the time Mr. Shelton appeared, said as follows, and I now quote: "The Government contends, and the indictment states, that the inquiry being conducted was pursuant to this resolution. We do not feel, and it is not the case, that there was any smaller, more limited inquiry being conducted."
In your view does that correctly state the question under inquiry before your committee at the time Shelton testified?
A Well, I think the facts are these: As I recall, Senate Resolution 366 gave the Judiciary Committee power to investigate, to protect the internal security of the country, that the chairman of the committee at that time set up a subcommittee. Now, before I was appointed Chairman of Internal Security we had had investigations on a number of subjects. One of them was communist infiltration and domination of mass media of communication, and these particular hearings would come under that head. It was an investigation of the infiltration of newspapers. And those are the facts, as I recall them, as to the extent of the depth and the extent of the infiltration and what we could do, within the limits of the Constitution, to protect this country.
Q Let me ask you —
A Now, that was the legislative purpose. That is — well, that is what I have got to say.
Q Well, let me ask the question again, since I don't feel you answered it.
A The best way I can answer the question is to tell you what the facts were.
Q Senator, for once you are not asking the questions, I am.
A I know that, I understand that, but I say the best way I can answer your question is to tell you what the facts were, and those are the facts as I recall them.

If You Asked A Question, Senator?

Q Senator, if you asked a witness a question and he didn't answer it, would you take his way of answering? I am asking you a question, and this is the question:
A Go ahead.
Q At the first trial Mr. Hitz stated, and I am going to read you what he said as the question under inquiry. I want an answer from you whether he was right or wrong, on the basis of your knowledge of what the question under inquiry was. This is Mr. Hitz' statement: "The Government contends, and the indictment states, that the inquiry being conducted was pursuant to this resolution. We do not feel, and it is not the case, that there was any smaller, more limited inquiry being conducted."
Do you or do you not agree that that statement correctly reflects the position of the committee at the hearing?
A Well, of course, all the power — well, part of the power we have got extends from that resolution.

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Q I asked you whether you agreed. I think this can take a yes or no answer, Senator.
A Well, I don't think it can. I think the facts are what should control.
Q You won't answer the question then?
A Yes, I have answered your question. I have given you what the facts were, what the facts are.
Q I asked you Senator, whether you agreed or disagreed with Mr. Hitz' statement that there was no smaller, more limited inquiry being conducted than the whole resolution. Was Mr. Hitz right or wrong?
A The only way I can answer is to give you the facts, sir.
Q Now I will read you what Mr. Sourwine said at this trial and ask you if you agree with that.
A All right.
Q (Reading:) "I repeat my question. Did you ever say that the question under inquiry at the January 6 hearing was the scope and extent and activities of the communist conspiracy against the United States? "I believe I did, yes, sir."
My question to you, Senator Eastland, is: Do you, too, agree with Sourwine's answer that the question under inquiry was the communist conspiracy against the United States?
A Well, of course, that is true of all the hearings. We were proceeding at that time into infiltration and domination of mass media of communications, is the way I recall it.
Q Senator, when did that hearing get started?
A Well, now, I am informed that it was in 1956. I didn't remember the date of the hearing, whether it was '55 or '56, and I have been advised that it was '56.
Q How did it get started?

A Tip From Military Intelligence

A Mr. Sourwine — well, to begin with, I had received information from intelligence — some intelligence agencies connected with the Army and Navy that one of the principal objectives of the Communist Party was the infiltration and control of the press, radio, and television. I had received that information over a period of years, beginning about 1956 — '46. Now, I don't remember whether, when I became chairman in 1955, whether Sourwine — whether we laid out an agenda of what we were going to do in that Congress. I don't remember. And how they got started, frankly, I don't remember.
Q There are several different things involved there.
A All right, sir.
Q You were referring to a rule of the Senate that no hearing —
A No, no; I am talking about — if I remember correctly, in 1955 there were some rules for investigating committees that were changed. It was based on some of the McCarthy hearings. Now, the only thing I can give you is my best recollection. I think it wasn't a Senate rule, it was a committee rule, and one of them was that you had to have two witnesses to take testimony, if you could get two witnesses, if they were available. Another one was —
MR. HITZ: Excuse me. Do you mean two Senators, sir? You said two witnesses. Do you mean two Senators?
[Wm. Hitz, the Assistant U. S. Attorney, who prosecuted the Shelton case.]
THE WITNESS: Yes, sir. If you could get two. If you couldn't, you could go ahead. Now, another one was, as I recall, that the full committee — I mean the full subcommittee must authorize an investigation. Now, that is my best recollection and I could be just as wrong as a wet spell.
Q Senator, are you referring to the rule of the subcommittee which reads as follows: "No major investigation shall be initiated without approval of a majority of the subcommittee"?
A Well, now, what year is that?
Q This is the one you give out now. I can't tell you when it was adopted. Can you tell me when that was adopted?
A Well, I think that rule was adopted in 1955.
Q Now, if that rule was adopted in '55, can you tell me whether there was a meeting of the subcommittee to go into the question of investigating of the press?
A Yes, sir, I can tell you that at that time it was approved first by the subcommittee. I don't remember that meeting, but I can remember the meeting that approved, in my office, that approved the open hearings here in Washington.
Q I asked you about the executive committee — the executive hearings, Senator.
A Yes, sir, every major investigation had the approval of the subcommittee.
Q There was an approval of the subcommittee of the investigation into what you referred to, communists in mass media, prior to the executive —
A There was an approval by the subcommittee of the particular hearings in New York City.
Q Prior to the executive committee hearing?
A Yes, sir.
Q Are you sure of that?
A Yes, sir.
Q Are you sure —
A I am sure of it, yes, because I made the rules.
Q You are sure there was an executive committee hearing — strike that. You are sure there was a meeting of the subcommittee before the —
A We didn't —
Q Let me finish the question, Senator. I don't interrupt you.
A All right, sir. Excuse me.
Q Are you sure there was a meeting of the subcommittee in '55, before the executive hearings in New York, authorizing those hearings?
A Now, I got —

Hard to Get a Yes or No

Q Yes or no. Are you sure?
A Well, now, what you want is the truth, isn't it?
O I want you to give us the truth, yes, sir.
A All right. That is what I am trying to do.
Q You can explain. Yes or no, are you sure, and then explain.
A Well, I can't answer it yes or no.
THE COURT: You may explain.
THE WITNESS: I approved in every instance, got the approval in every instance of the full committee, full subcommittee, of an investigation.
Q Let me try again. Was the executive hearing in New York approved by a meeting of the subcommittee prior to those executive hearings in New York in the year '55?
A Yes, sir.
Q You are sure of that?
A Yes, sir.
Q Now, if I tell you that Mr. Sourwine said there had been no meeting at all, what would you say?
A Well, I would think that a lot of things happened that he doesn't know about. For instance, we get a majority on the Senate floor, and if I wanted authority to hold some hearings, we call the members back into Cloakroom and discuss it and go forward with the hearings. There were no minutes made, but we would have a majority of the subcommittee.
I can remember very definitely the meeting in my office that authorized the open hearings.
Q Let's stick to the executive committee hearings.
A All right, sir.
Q Are you now testifying that you had a meeting on the Senate floor of your subcommittee —
A No, I can't remember where it was, but I said in every instance I received the approval of the subcommittee. And we had people that would object to a hearing unless — members of the subcommittee, unless the approval was first secured, and in every instance I did that.
Now, that doesn't necessarily mean that the staff had to be there, but we would get a majority together and discuss it and approve it.
Q It is now your testimony that a majority of the subcommittee met. Was this called as a meeting of the subcommittee or was this just —
A That is the way we handled it. In fact, the full Judiciary Committee has met off the Senate floor a number of times and approved bills, nominations.

No Records Kept?

Q Was there any record of this meeting?
A I wouldn't think so.
Q Did you tell —
A If there has ever been a record — I don't know about records of the executive meetings of any subcommittee. They frequently don't keep records. Now, the full committee does. And we could very well have had a meeting and Mr. Sourwine know nothing about it. He is over in the Senate Office Building.
Q It is your testimony you had a meeting on the floor of the Senate —
A No, I didn't say that.
Q Where was this meeting, Senator?
A I don't know, but I said my policy was —
Q Who was there, Senator?
A Wait a minute now. Wait a minute now. I don't know. My policy was, in every instance, to get the permission of the full subcommittee, and I had to because we had members on the subcommittee who would object to meetings, to hearings, unless we did receive the approval.
Q This is a meeting that you don't remember where it was?
A I don't remember where it was.
Q And you don't remember who was there?
A No.
Q And you don't remember when it was?
A No.
Q And you don't have any record of it?

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A We keep no records.
Q But you are sure it existed?
A Because of my policy and because we couldn't have called the hearings if we had not received the approval of the subcommittee; there were members who would object. That is my answer.
Q On page 72 of the record of the earlier trial, I read you from what Senator Hennings said at the opening of this hearing: "I would like to have the position of the committee, if it be the position of the majority of this committee, since the committee has not met to determine whether one policy or another is to be pursued in the course of these hearings —" Was Senator Hennings wrong when he indicated that the committee hadn't met?
A Well, I don't know whether he was there or not. That was the open hearings, and I remember the meeting very definitely in my office.
Q Senator Hennings said there was no meeting, Mr. Sourwine said there was no meeting, you can't remember when it was, where it was or who was there?
A No, sir.
Q But you say there was a meeting?
A I say there was a meeting to authorize every single investigation, and I say that because of the views of some members of my subcommittee. There could not have been an investigation had there not been prior approval by the full subcommittee.

Nothing Seems to Surprise Him

Q Did you find it surprising that Mr. Sourwine was unaware of that policy?
A Well, you read the rules of the subcommittee. I judge he knows what the rules are. I don't know.
Q Do you know at the first trial Mr. Sourwine testified that that rule had never been followed?
A It's not followed now.
Q He testified it had not been followed at the time of this hearing.
A It hasn't been followed in several years, but at that time and to the time I became Chairman of the Judiciary Committee it was scrupulously followed; and as I recall, Senator McClellan was the moving spirit in getting the full committee to authorize an investigation because of the experience he had had on the McCarthy Committee.
Q Why does your committee not keep a record of these meetings if the rule requires that there be such meetings?
A The rules never required that a record of the meetings be kept. But we kept none and have never kept a record of subcommittee meetings.
Q You didn't mean to say before that there are no records of the subcommittee meetings, did you, Senator?
A Well, there could be records of some of them. Certainly there can be records of some of them. I can't say that we haven't — where we take testimony, of course there is a record; but I would say this, that in most of the meetings where decisions are made or bills are reported out there is no official record.
Q Let's stick to meetings where hearings are started.
A All right, sir. There could have been some where there was a record, but I don't recall it.
Q Are you willing to try to produce a record of the meeting you remember that Mr. Sourwine has testified didn't exist? Are you willing to try and produce a record of that day?
A If there was such a record, but as a rule we kept no records. We just got the agreement, discussed the matter and got the agreement of a majority of the subcommittee and then we proceeded. That is what we customarily did.
Q What did you get the consent of the subcommittee to at this meeting?
A Well, I would discuss the subject and the witnesses, what information they had.

Can't Remember Where, When or Who

Q You told this subcommittee meeting, that you can't remember where or when it was or who was there, what information you had?
A I did that in every case. The only meeting that I can remember when I was chairman, the details of it, was in my office, preceding the open hearings, and there is a reason that I can remember that.
Q Senator, let's stick to the meeting I am talking about, if you don't mind.
A All right.
Q You mentioned before that you told the Senators at this informal subcommittee meeting —
A I mentioned — wait a minute now — I mentioned that my policy was, when we got permission.
Q What did you tell them at this meeting?
A Well, I judge I told them that we had witnesses and outlined the information.
Q What information?
A Well, I can't recall what any of them testified. I don't remember. The only person that I remember testifying at this hearing was a man named Knowles.
Q No; I am asking you what information you said you had of this subcommittee meeting prior.
A I don't recall that, sir.
Q It's only eight years ago, isn't it?
A Yes, just eight years ago.

What Happened 20 Years Ago

Q Doesn't your subcommittee continuously ask people things about what happened fifteen or twenty years ago, Senator?
A Yes, sir; but as I told you, sir, I have heard hundreds of witnesses and, I judge, several hundred hearings in the meantime, and I am just a human being, I can't recall all of them. If there is something that calls it to my attention, as what happened in my office when the open hearings were authorized, why, I can remember that. It would have to be something like that.
Q Senator, doesn't this particular hearing, because of the New York Times aspect, stick in your mind pretty well?
A No, sir.
Q You don't remember a considerable public controversy over this hearing?
A Yes, sir; that came up after the hearing started. Certainly, I remember that, but I can't tell you who testified or what they testified, except Mr. Knowles.
Q You cannot tell us anything about the subcommittee meeting prior to the executive hearings except that it was held?
A I can't remember the details of any of it. I told you that my policy was to get clearance from the subcommittee before we started hearings and that we did that under a rule that was adopted when Senator Kilgore became chairman of the committee in 1945. I can tell you what my policy was. I also told you that it was necessary to get approval of the subcommittee because certain members of it would not agree to hearings unless the subcommittee had first cleared it. And we tried to have a unanimous report and have always tried for the subcommittee to be unanimous in whatever it did.
Q Senator, would you do me the courtesy of answering one question yes or no? Can you remember anything about this committee, subcommittee meeting, except that it was held?
A No, sir, I remember nothing about it.
Q Thank you. At the opening of the first Shelton trial Mr. Hitz stated that in his opinion —
Q (Reading:) "A man off the street could be called off the street and asked, 'Are you one of the persons that we have a duty to protect this country from?' "
Is it your position, as chairman of the subcommittee, that your subcommittee can call a man off the street?
A Well, I think when we have a legislative purpose, we can.
Q You feel that you could just issue subpoenas to the first ten people going by?
A Where there is a legislative purpose, we have the power to investigate.
Q And you could issue a subpoena to the first ten people going by the Senate subcommittee hearing room and call them in and ask them are you a communist?
A I haven't studied that question, Mr. Rauh; it calls for a legal answer that I haven't studied. I don't know.
Q Has your committee ever called anybody on that theory?
A Not that I know of, no sir. Now, there have been people subpoenaed since 1956 and investigations held that I don't know anything about because I don't have the time to devote to this subcommittee that I should.
Q You sign all the subpoenaes, don't you, Senator?
A Yes, sir.

Admits Responsibility

Q So, you are responsible, aren't you?
A Yes, sir.
Q Well, how much time do you devote to this?
A Well, I generally know when they bring me subpoenaes — wait a minute. I made a mistake when I told you that I had signed all subpoenaes. I have not.
Q Who does?
A I sign some and Mr. Pace has signed some, my Administrative Assistant, under my authority.
Q Does Mr. Sourwine sign any?
A No, sir.
Q Does Mr. Sourwine have any authority to sign any subpoenaes?
A No, sir.
Q You don't remember anything about the Shelton case, do you?
A No, sir.
Q Did you ever hear of Willard Shelton?
A Well, I judge I presided when he testified. The record shows that.
Q You presided when Willard Shelton testified?
A I say I judge that. I have been informed the record shows

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that.

Q If I tell you Willard Shelton didn't testify, what would you say?

A Well, I would say I was wrong, of course, but I don't remember.

Q At the time you signed a subpoena for Robert — for Willard Shelton did you know anything about Willard Shelton?

A We had discussed the — he told me what information he could get from the witnesses. Now, as for an individual, I don't remember.

Q At the time you signed a subpoena for Willard Shelton did you have any information about Willard Shelton?

A I can't answer that question because I don't remember.

Q At the time you signed the subpoena for Willard Shelton did you have any information about Robert Shelton?

A I couldn't answer that question. I don't know. I don't remember.

Q Does the subcommittee keep any records of why they subpoena people?

A No, sir.

Q Isn't it a fact that you signed these subpoenaes because Mr. Sourwine said they would give you some information? Isn't that the way it worked?

A We discussed what information he had, and it was up to me to determine whether to subpoena them or not, and that is what I did.

Q But you can't remember anything he told you?

A No sir, I don't remember any of the details of it.

What Reston Reported

Q Are you familiar with a piece in the New York Times of Friday, January 6th, while these hearings were going on, about the problem of who issued these subpoenaes?

A No, sir.

Q You didn't read the Times about yourself?

A Of course I did. I remember the Times attacked me during the hearings, but what they said, I don't remember that.

Q I am going to read you a statement by Mr. Reston and ask you for once if you will say yes or no, whether it's true. This is from page 104 of the record of the first trial. Here is Mr. Reston's statement in the New York Times of Friday, January 6, 1956:

"When more than fifty subpoenaes were issued to people in the press, radio and other fields of communication on behalf of the committee last November, Mr. Sourwine was the only person who seemed to know anything about them. They were issued under the name of Senator Eastland, but when this reporter called the Senator about them, he said he did not know they had been issued, did not know the hearings had been called, and said he would have to call Mr. Sourwine to find out the facts."

I ask you, yes or no, did you tell Mr. Reston you didn't know they had been issued, you didn't know the hearings had been called and you would have to call Sourwine to find the facts?

A No, sir, I don't remember anything about that.

Q You don't remember a thing about that?

A No, sir.

Q Was Mr. Reston right or wrong?

A Well, I don't remember anything about it. I have told you what the facts were in connection with the subpoenaes.

Q Do you have any explanation if this isn't correct —

A We had a policy that a lot of times what we were going to do we didn't tell the press.

Q You had a policy of what?

A What we planned to do we did not tell the press, and I could have been following that policy if I told him that, but I don't remember.

A Sort of No Comment?

Q Are you suggesting that saying to a reporter that you didn't know they had been issued, that you didn't know the hearings had been called, was a sort of a no comment?

A Let's put it this way: I don't remember, but I would have the leeway to handle it as I desired by not telling the press anything.

Q Do you consider this not telling them anything?

A Well, I certainly — if I said that, I didn't disclose what I planned to do. What is the date of that, sir?

Q Friday, January 6, 1956. Did you read this piece at the time?

A Oh, I could have. I judge I did.

Q I take it you are saying Mr. Reston was not correctly quoting you when he said you didn't —

A I just tell you I don't remember anything about it. That is the truth. I can't remember what a newspaper said about me last year or eight years ago. This was eight years ago.

Q Senator, do you have any idea how many years back your subcommittee goes in asking witnesses about things?

A Well, we try to get what they remember, of course, what the facts are.

Q How far back do you go?

A Well, that all depends on the case.

Q Would you be surprised if I told you I was in front of your own subcommittee last week and they went back to 1944 and made a lady tell about 1944? Would that surprise you any?

A Well, she answered the questions, didn't she?

Q Senator, I am not asking you to remember your conversation with Mr. Reston now. I am not asking you to remember what you told him or that conversation. I am now asking you if he was correct on the facts when he said that you did not know the subpoenaes had been issued?

A Well, I did know the subpoenaes had been issued.

Q But you don't deny you may have told him that and he accurately reported it?

A Certainly I don't deny it. I just don't remember.

Suppose It's An Accident

Q Senator, if a witness comes before your committee and says he is a victim of accident, what do you do about it at your committee?

A If a witness comes and says he is a victim of an accident?

Q He is a victim of accident in being called before your subcommittee, what do you do about it?

A I don't remember that that has ever happened.

Q Are you pretty sure it's never happened?

A I don't know. I don't remember.

Q Do you have any procedure for quashing subpoenaes, Senator, before your subcommittee?

A Oh, I judge I could withdraw a subpoena. I have never looked into it.

Q Have you ever done it at a hearing?

A I don't know.

Q Have you ever quashed a subpoena at a hearing?

A I don't remember.

Q Have you ever, at your hearings, ever counted up the number of times a witness has said, I don't remember, and used it as a question of his credibility, Senator?

A No, sir.

Q Now, Senator, I will have to read you a good bit of the opening of the hearings, since you can't remember anything about it, and try to refresh your recollection on the opening of the Shelton public hearing.

You understand, do you not, that the present trial is based on questions he refused to answer at that hearing? Do you understand that?

A I have been informed that.

Q This is on page 83 of the record of the first trial:

"Mr. Shelton: I fail to see why I am involved in this hearing, which the chairman said on Wednesday stems from the Burdett testimony. There was no reference to me in the Burdett testimony nor in the testimony of Clayton Knowles."

Senator Eastland, at the time you overruled the objection what information did you have about the witness before you?

A I can't remember. I knew at the time.

Q You don't remember anything about it, do you?

Q Isn't it a fact that you simply said overruled automatically?

A No, sir, because I knew what he was —

Q What was he called for?

A Well, I said we knew he had information.

Q What information did you know he had?

A Well, at the time we knew what information he had. We had information that he would testify to certain facts, but I can't remember.

Can't Remember One Fact

Q You can't remember one fact, can you, Senator?

A No, sir, I certainly can't. I don't remember the man. I believe Knowles is the only witness whose testimony I remember.

Q On page 89 of the same hearings Mr. Shelton stated as follows: "I am involved in these hearings as a victim of accident." Now do you remember it, Senator?

A No, sir.

Q He said: "I am involved in these hearings as a victim of accident. The subpoena first served to me was originally made out in the name of a person who does not work on my paper. A committee aide, when told that there was no such person on the Times, insisted on knowing if there was anyone with a similar name employed there. There were a few, but the only one that interested your man was the sole similar name in the news department, mine. At the executive hearings the committee counsel tried without success to link me with a certain New York newspaper. He was unable to establish any connection because I never worked for the paper under discussion. Yet I have been called back here today. It appears to be just another step in a campaign to discredit the paper for which I work."

My question to you, Senator Eastland, when you overruled the objection of Mr. Shelton that he was involved in these hearings as a victim of accident, what did you know as the basis of overruling that objection?

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A Well, I knew at the time what information we could get from him, but I can't remember at this time. I don't know.

Q I am asking you whether, as chairman of the subcommittee, you felt any legal obligation to tell him why he was not a victim of accident when he said to your committee, I won't answer because I am a victim of accident?

A No, sir.

Q Now, is there now, having gone through that, is there any procedure whereby a witness before a committee can get a subpoena quashed?

A I say I haven't studied it. I judge I could quash a subpoena, certainly. The committee could, of course.

Q Why didn't you answer this statement, I am a victim of an accident, then, or else quash the subpoena?

A I don't recall anything about it, sir.

Q Senator, what legislation was under consideration by the subcommittee at the time you called the witnesses from the New York Times in executive and public session?

A Well, it was a study of communist infiltration and control of mass media of communications, and these hearings were communist infiltration in the press, newspapers, these particular hearings. It's a question that has been on study. You have got Constitutional limitations and we were seeing, first, if there had been infiltration; second, the extent of it. If we found those two things; third, what we could do about it within the Constitutional limitations.

What Legislation?

Q I repeat my question. What legislation did you have under consideration at this time?

A Well, I have said we had no legislation. We had no bills pending that I recall. Now, we could have. I wouldn't think so, though.

Q You have indicated you can't remember any bills pending. Can you remember any legislation that was even suggested, if not pending, to which this might be relevant?

A No, sir. As I said, as I recall, it was a study to see what we could do, the Constitution of the United States being what it is, and we first had to find out what the problem was.

Q Well, I will now read you the questions that he is on trial for not answering and then ask you the question. "Count One — Are you, sir, a member of the Communist Party U.S.A.? Count Two — Did you ever have any conversation with Matilda Landsman?"

Can you indicate in any way the relevance of that to any pending bill or any legislation even under discussion that wasn't a pending bill?

A I don't remember any pending bills. What the discussions were, I don't know.

Q The answer is no, isn't it?

A Well, the answer is I don't know. I don't recall.

Q On May 2nd 1961, or thereabouts, on the floor of the Senate did you refer to the Watkins case, among others, as being pro communist?

A I don't recall.

Q Do you recall ever having listed the Watkins case, among others, as being pro communist?

A I think so. I think I listed a number of cases as being pro communist, but when it was and what was in what I said at the time, the Congressional Record speaks for itself. I don't recall.

Vague Even on Watkins

Q But now to ask it more generally, Senator, you do agree with me that you have called the Watkins decision pro communist?

A I say I could have, yes. I think so.

Q Now, at the time, therefore, prior to the Watkins case, when you were examining Mr. Shelton, presumably you were not following the Watkins case because that was pro communist?

A Well, I can't answer anything about examining Mr. Shelton about something I don't remember.

Q All right, let me put it this way—

A I don't know whether I examined him, whether counsel examined him, or whether members of the committee examined him. I just don't remember.

Q All right, let's try to clear it up. Do you remember you were there at the New York Times open hearings?

A Oh, yes, I was there, but was in and out. I was there most of the time.

Q You were there — if I tell you that the record shows you were there for the Shelton hearing, will you accept that?

A I have been informed, yes, that the record shows that; and if it does, I was, of course.

Q All right. Now, the Watkins case was decided in June, 1957. My question is very simple. Were you following the principles of that case back on January 6, 1956?

A I don't remember at this time what the Watkins case held.

Q Senator, in your entire — you just referred to the fact that you tried to be fair to all the witnesses that come before your committee?

A Yes, sir, we have tried very hard to be fair with all the witnesses.

Q Can you name a single witness who has ever said he didn't remember as often as you have said it this afternoon?

A Well, I don't know, but there are very few men in this country, except a judge, that hears as many witnesses as I hear.

Q I just asked you a simple question.

A Well, I know. I caught the implication in your question.

Q I was asking you if you could name one witness before your committee that ever said, I don't remember, I don't recall, I don't know, as often as you said.

A I can't answer that question. I don't know.

Q Senator, when did you first hear about an alleged letter from a confidential informant by the pseudonym of Finbar to the Senate Internal Security Subcommittee?

A During this trial.

Q During this trial?

A Yes, sir.

Q Did you first hear when you read Mr. Sourwine testified he destroyed it? Is that when you first heard it?

A No, sir, I believe he told me.

Q Mr. Sourwine told you?

A Something about it. And then I read —

Q When did he tell you that, Senator?

A It was after he had testified.

Eastland Contradicts Himself

Q I thought you told us at the opening you hadn't discussed his testimony with him.

A No, I didn't say that. I did discuss his testimony.

Q Oh, you did discuss Mr. Sourwine's testimony with him?

A In general, yes, sir.

Q Well, the record alone will reflect whether you said that or not.

A Well, yes, the record will reflect it. He told me he testified. I haven't been into details with him about what he testified.

Q Did he tell you he testified he destroyed a letter?

A Yes, sir, something about the letter. And then I saw a statement you made to the newspapers about it, to the papers about it. I read that.

Q You saw a statement I made?

A Yes, sir.

Q You mean in cross-examining Mr. Sourwine?

A Well, I couldn't tell you. I don't know. Yes, you said you were going to ask me what authority he had to destroy a letter.

Q What authority did he have to destroy a letter, Senator?

A He's got the same authority to destroy a letter that you have to destroy one in your own office that you don't think is any use.

Q Well, now is there a procedure for destroying documents?

A I don't know of it if there is.

Q Did you ever tell him he was authorized to destroy documents?

A I never heard of this letter until this trial.

Q Let's go to the other question. You said Mr. Sourwine had authority to destroy documents the way I have in my office. From whence —

A I said if he considers that they are no longer useful.

Q From whence does that authority come?

A Well, now, frankly, I have never discussed it with him. I have never conferred any such power on him. I have never taken any such power away from him. I have never discussed it, and I have never heard of that letter until this trial.

Q You have never given him —

A But it's all right with me, when he thinks a document or a letter is no longer of any use, to destroy it.

Q It was all right with you that he destroyed that document at the time the case was pending in the Court of Appeals?

A I don't know when he destroyed it, sir. I knew nothing about that.

Right to Destroy Key Document

Q This case was pending in the Court of Appeals at that time. Now, do you still think it was all right to destroy the document, Senator?

A I don't know anything about it, Mr. Rauh. I don't know what the letter was, I don't know what it meant or what it has to do with the hearing.

Q Well, let me see if I can clarify that for you.

In the light of the challenge to Mr. Sourwine's credibility on this letter, I ask you if you still think it was all right for him to destroy the letter?

MR. HITZ: Excuse me. I object to that. It is wholly irrelevant what Mr. —

THE COURT: All right, the objection is sustained.

Q Would you have authorized the destruction of that letter if you would have known it related to Mr. Sourwine's credibility?

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MR. HITZ: The same objection.
MR. RAUH: I would like to be heard on this, Your Honor.
THE COURT: All right, you may be heard.
MR. RAUH: There is a serious question of credibility in this case of Mr. Sourwine. Mr. Sourwine has apparently destroyed this document without authority. I am trying to find out what kind of authority he had to destroy documents.
THE COURT: That may be, but the understanding of this particular witness that is presently on the stand is that he has no knowledge of the letter.
MR. RAUH: I take it you sustain the objection.
THE COURT: I sustain the objection, yes.

Authority to Destroy Documents

Q Can you tell us anything at all, Senator Eastland, about the authority of any member of your staff to destroy documents?
A Well, of course, I have never conferred authority. I judge that some authority goes with the position that a man holds, and I would judge that when he thought that a document or a letter had no further use he would have the right to destroy it.
Q And that would be true even of a document which related to his own credibility?
A You see, I can't go into that because I don't know anything about the letter. I never saw the letter, I never heard of the letter until this trial. And I think there is some mix-up in the dates because, as I recall, he told me it was destroyed when we were moving from the old Senate Office Building to the new Senate Office Building.
Q When did he tell you that, Senator?
A Yesterday.
MR. RAUH: Mr. Reporter, would you please read the question and answer that I asked you to look up at the intermission?
THE REPORTER: Shall I read it?
THE COURT: Yes, you may read it.
(The Reporter read the record as follows: "Question: Did you discuss Mr. Sourwine's testimony that he gave here with him? Answer: No, sir.")
Q Do you want to change that, Senator?
A What I meant was that I didn't go into the details of his testimony here. Of course I asked him if he testified, and I think I related several things that he told me. This letter business was one of them. In fact, the first time I heard about the letter was from him during this trial.
Q It wasn't accurate, then, to say you hadn't discussed —
A Then I read your statement — yes, I was accurate because I meant the details of his testimony here. I haven't been into that with him.

Eastland Tries to Explain

Q You first said you hadn't discussed it at all. Now, how much did you discuss?
A No, that is what I meant, that I hadn't gone into the details of his testimony with him. I haven't.
Q Well, now, one thing came out, you discussed the letter. What else did you discuss with him?
A Well, I asked him what day — I mean when the letter was destroyed, and he told me it was when we moved from one building to the other, that it was in a safe and that he found some personal stuff of Senator McCarran's in the safe.
My discussions with him have been principally to refresh my recollection about what happened at the hearing because I don't remember anything about the hearing. I believe he told me — yes, he told me that he testified that he had brought a number of names to me and that he wanted subpoenas and discussed in general terms what information they had before the subpoena was issued. I believe he told me that.
Q Do you recall testifying at the trial of Seymour Peck?
A I remember testifying in Judge Youngdahl's Court. I don't remember the name of the witness — I mean the style of the case, excuse me.
Q It was in Judge Youngdahl's Court back on May 22nd 1957. You do remember that?
A Yes, sir, I remember testifying.
Q Do you remember Mr. Telford Taylor examining you at that time?
A Since you mentioned it, I believe he did examine me, yes, sir. I believe that is who it was.
Q Page 227 of the transcript in the Peck case, Mr. Taylor says: "I wanted to ask you to describe the circumstances under which it was decided that this subject —" that is, the communist infiltration of communications — "would be inquired into by the subcommittee."
Answer by yourself:
"Now wait a minute. Do you mean —
"Question: The hearings involving mass infiltration.
"Answer: Infiltration of mass communications?
"Question: Mass communications, yes.
"Well, it was a subject that, under the title Strategy and Tactics of World Communism, we had been investigating for a number of years.
"Well, can you be any more specific about when it was decided to go into this field of mass communications?
"To go into the field of? No, I wouldn't know."
I take it, therefore, you have recollected this meeting you had since you testified in March 1957, is that correct?
A No, sir. Was he one of the witnesses at these hearings?
Q Yes. You didn't remember that subcommittee meeting at this time.
A Well, I didn't connect the two up, but certainly, as I told you, we had — I couldn't hold a hearing until I got the approval of the subcommittee, because members of the subcommittee would object; and that is the way I remembered, that we would first get their approval.
Q But you didn't remember it in '57, did you, Senator?
A Oh, I don't recall the details of that, sir. We had Winston Burdett, I believe, in '55, in the summer of '55. I can remember his testimony.

Investigating Every Cell

Q You testified at this same hearing, at page 232: "We were investigating every communist cell in any business, in any profession, that we could find, and there were no specific instructions about mass communications. When we got information about a communist cell, wherever it was, we would see what facts could be developed and we would do that."
Do you remember —
A Oh, yes, that is correct.
Q That is correct. Do you remember this, your testimony:
"We were after each communist cell that we could find in any industry in the United States and we were after them to get a picture —"
A Of course, that was our duty under Senate Resolution 366, and that is what we did, try to perform the responsibilities the Senate had placed upon us.
Now, this one present subject is one segment of that overall duty; and generally we have investigated every communist cell that we could get information on, yes, sir, as a basis for legislation.
Q Is it the purpose of the committee to get every cell past and present and the names of all the people in every cell?
A We got what information we could, yes, sir.
Q Is it your purpose to get as many names of communists as there were?
A No.
Q What is the purpose?
A The purpose was, of course, to get the extent, get what they were doing, and see what legislatively we could do to hamper communist infiltration and domination in this country.
Q Therefore, the purpose was to get all the cells and all the people in the cells?
A I say I think that the Senate Resolution 366 places that responsibility on the Judiciary Committee, and the Judiciary Committee has passed it on to the Internal Security Subcommittee.
Q Do you remember in what authorization that was?
A But this is just one segment of the overall picture. What you have asked me is the overall picture.
Q That is correct. And is the overall picture, then, that the committee feels it should get all the cells past and present and all the people in them on the record?
A On the record?
Q Yes, so that you would —
A Get full information, certainly. Where there is a conspiracy to overthrow the Government of the United States by force and violence, I think it is the duty of the Congress to pass appropriate legislation that can curb it. That is what we have tried to do. The Senate certainly has given the Judiciary Committee that power.
Q Mr. Sourwine testified that 29 of the 35 witnesses called in executive session were present or past employees of the New York Times, and 15 of the 18 witnesses called in public session were past and present members of the Times, except for one, who was the brother of a present employee of the Times. Is that your recollection?
A I knew most of the witnesses were employees of the New York Times. I can't tell you what number.
Q But you did know most of them were from the Times?
A Yes, sir.

"Come Clean, Just Once"

Q Senator, wouldn't you, just as you have said to so many witnesses, come clean once and tell us, isn't it a fact that the sole purpose was to get at the New York Times?
A Why? No. Why?
Q I asked you a question.
A I said no. The answer is no.
Q All right. That is your answer.
A That's right.
MR. RAUH: No further questions.

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The Broader Political Purposes of the Furore Over Cuba

(Continued from Page One)

This is a good time to remember that the recent national jitters over a non-existent missile gap was stirred up by Air Force intelligence through Senators like Symington and journalists like the Alsops behind the backs of Eisenhower and Allen Dulles. The larger our intelligence community becomes the bigger the menace it represents to responsible government.

A Weapon Against McNamara

John A. McCone, who presides over our proliferating network of more or less autonomous and mutually suspicious gumshoe agencies, is himself a rightist Republican Catholic of apocalyptic holy war views. The furore over Cuba serves two political purposes. One is to block a general settlement. As the *Wall Street Journal* reported the day after the President's press conference, "New easing of cold war tensions fades further into the future. Russia's military presence in Cuba becomes a major obstacle to any U.S.-Soviet accord. Domestic political pressure may force Kennedy to make withdrawal a prerequisite for agreement on a nuclear test ban, Berlin, or any other issue. But Russia can't retreat easily, for weakening its position in intra-Communist strife with China." The other purpose is to discredit Defense Secretary McNamara. The Air Force crowd and its industrial allies are bitter over his readiness to end bomber production as obsolete and his recognition (in his new budget presentation, see box on this page) that counter-force strategy is no longer feasible, and that the arms race is approaching a dead end. It is this and the growing Latin American crisis (as the President said) that the country ought to be discussing, not these artificial nightmares over Cuba.

"Ask not what your country can do for you," Mr. Kennedy needs to be reminded, "but what you can do for it." At his Feb. 7 press conference he declared himself ready to precipitate the greatest crisis in world history if it should turn out that Soviet offensive weapons were returning to Cuba. But this readiness to sacrifice us all in a nuclear holocaust is not matched by a readiness to put his own future on the line in an effort to save the country and the peace. The meagre mail coming to Capitol Hill on Cuba indicates that this is still an ersatz tempest confined to the politicoes. Bold leadership could put the peddlers of hysteria on the run. The present policy of neither war nor peace in relations with Cuba must end sooner or later in war; the vultures will not be satisfied until Cuba has been invaded though it be at the risk of World War III. The only sane solution is demilitarization of the island under international guarantees as the Cubans themselves suggested at the UN last Fall. But this means recognition of Castro, resumption of trade and negotiations, the honoring of Inter-American treaty obligations not to use coercion in this hemisphere against regimes we dislike. Only such a course can avoid war, and clear the way for peaceful resolution of Latin America's volcanic problems. But this would require Mr. Kennedy to rally and lead public opinion in a way he has never before attempted, and to risk his political career. This is what he could do for his country.

End of Counter-Force Illusions

"As the events of last October have so forcefully demonstrated, expanding arsenals of nuclear weapons on both sides of the Iron Curtain have created an extremely dangerous situation not only for their possessors but also for the entire world. As the arms race continues and the weapons multiply and become more swift and deadly, the possibility of a global catastrophe, either by miscalculation or design, becomes ever more real.

"More armaments, whether offensive or defensive, cannot solve this dilemma. We are approaching an era when it will become increasingly improbable that either side could destroy a sufficiently large portion of the other's strategic nuclear force, either by surprise or otherwise, to preclude a devastating retaliatory blow.

"This may result in mutual deterrence but it is still a grim prospect. It underscores the need for a renewed effort to find some way, if not to eliminate these deadly weapons completely, then at least to slow down or halt their further accumulation, and to create institutional arrangements which would reduce the need for either side to resort to their immediate use in moments of acute international tension. The U.S. and the Soviet Union, as the two great nuclear powers, are the nations most directly endangered by these weapons and therefore have a great mutual interest in seeing to it that they are never used."

—Secretary of Defense McNamara on new military budget to House Armed Services Committee, Jan. 30.

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